THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17409 of 2005

DATED:08-08-2005

Between:

G.C.B.C.Reddy

..... PETITIONER

AND

1. The APSRTC, rep.by its Regional Manager,

Kadapa Region at Kadapa and another

.....RESPONDENTS

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO:17409 of 2005

ORDER:

This writ petition is filed by the petitioner aggrieved by the order passed by the second respondent dated 19-07-2000 under which the second respondent imposed punishment of withholding of annual increment for a period of two

years with cumulative effect. The said order was confirmed in appeal as well as in review.

2. According to the petitioner, imposition of the major penalty of withholding of annual increment for a period of two years with cumulative effect, without conducting departmental enquiry, is illegal and unsustainable.

3. At the time of hearing, the learned counsel for the petitioner also stated that as per the judgments of this Court as well as the Supreme Court, imposition of major penalty without conducting regular departmental enquiry is illegal and unsustainable and the same is liable to be set aside.

4 . Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

5. In view of the imposition of major penalty by the second respondent which was confirmed by the appellate authority as well as the review authority without conducting any departmental enquiry is illegal and unsustainable as per the orders of this Court in W.P.No.11790 of 2005 wherein it was held that as per the Supreme Court judgments, the imposition of major penalty without conducting a regular departmental enquiry is illegal. Hence, on that simple ground, the impugned order is liable to be set aside. However as the punishment was imposed as early as on 19-07-2000, instead of remitting the matter back to the second respondent to take up the matter for enquiry, this Court inclines to modify the major punishment into one of a minor punishment.

6. Accordingly, the impugned punishment is hereby modified into withholding of annual increment for a period of two years without cumulative effect. However, the monetary benefit to which the petitioner is entitled as a result of this order shall be effective only from the date of this order and not for the period prior to the date of this order.

7. The writ petition is accordingly disposed of. No order as to costs.

S.ANANDA REDDY, J

08th August, 2005

SKM